IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE G. BIKSHAPATHY**

**And**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 16557 of 1999**

Between:

1 K.Mohandas S/o.Balaram, Peon, R/o,Hyderabad.
2 K.Satyanarayana Swamy, S/o.Balaiah, Peon, R/o,Hyderabad.
3 M.Vittal Rao S/o.Jangaiah (late), Peon, R/o,Hyderabad.
4 V.Mohan S/o.Sailoo, Peon, R/o,Hyderabad.
5 N.Yellam S/o.Ramulu, Peon, R/o,Hyderabad.
6 R.Amalnathan S/o.Ramgopal, Peon, R/o,Hyderabad.
7 B.Satish Kumar S/o.Venkataswamy, Peon, R/o,Hyderabad,

**..... PETITIONERS**

AND

1 The Director General, Employees State Insurance Corporation, New Delhi.
2 The Regional Director, Regional Office, E.S.I.C, Andhra Pradesh, 5-9-23, Hill Fort Road, Hyderabad.
3 The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad, HACA Bhavan, Opp.Public Gardens, Nampally,Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature or a Writ of Certiorari and call for the records relating to and connected with judgment of Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad dated 27-7-1999 rendered in O.A.No.90/1998 and quash or set aside the same and consequently direct the respondent corporation to regularise the services of

petitioners on and from the date of appointment with all consequential benefits.

Counsel for the Petitioners: MR.P.KISHORE RAO

Counsel for respondent No.1: MR.B.RAVINDRA REDDY

Counsel for respondent No.2: MR.V.VENKATESWAR RAO

Counsel for respondent No.4: MR.R.N.REDDY

Counsel for the Respondent No.3: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

**The Court made the following:**

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed challenging the order passed by the Central Administrative Tribunal (for short Tribunal) in O.A.No.90 of 1998, dated 27.7.1999.

2. The petitioners are the applicants before the Tribunal. Initially they were appointed, after being sponsored by the Employment Exchange, as Peons in 1992 o n *ad hoc* basis. Their request to absorb their services was proved to be unsuccessful at various stages. However, we are not inclined to go into those aspects at the present moment as the petitioners had already completed more than 13 years of service on *ad hoc* basis.

3. It is submitted by the learned counsel for the petitioners that the petitioners are continuously working in the Department for 13 years on the minimum scale of pay and number of persons were appointed subsequent to the appointment of the petitioners and their services were also regularized.

4. Though the learned counsel for the petitioners tried to submit that initially when the petitioners approached the Tribunal, the order was passed in their favour, but subsequently it was reviewed at the instance of the Department, and such a review was not permissible under law, we are not inclined to go into all those details. Suffice it to say that still there are vacancies in the Department in the category of Group 'D'. Under those circumstances, it is appropriate that the petitioners should be considered for absorption in the existing vacancies.

5. Accordingly the Writ Petition is disposed of directing the respondents to absorb the petitioners in the available Group 'D' posts. If sufficient vacancies are not available, as and when the vacancies arise, the petitioners shall be absorbed in the said vacancies. No costs.

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(G.BIKSHAPATHY, J.)

25th March, 2005.

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SSR (P.S.NARAYANA, J.)

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Director General, Employees State Insurance Corporation,
New Delhi.
2 The Regional Director, Regional Office, E.S.I.C, Andhra Pradesh,
5-9-23, Hill Fort Road, Hyderabad.
3 The Registrar, Central Administrative Tribunal,
Hyderabad Bench, Hyderabad, HACA Bhavan,
Opp.Public Gardens, Nampally,Hyderabad.

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